

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR PAYAN-CRUZ, *et al.*,

Defendants.

CASE NO. CR18-0278-JCC

ORDER

This matter comes before the Court on Defendant Kevin Aguilar-Mendoza's motion to continue trial and the pretrial motions deadline (Dkt. No. 56) and speedy trial waiver (Dkt. No. 58). Having thoroughly considered the filings, and based on the facts set forth in Defendant's motion, the Court FINDS as follows:

1. That a failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv), and would result in a miscarriage of justice, 18 U.S.C. § 3161(h)(7)(B)(i). This finding is based primarily on defense counsel's trial schedule in other jurisdictions.
2. That this case is sufficiently complex that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. That the ends of justice will be served by ordering a continuance in this case, that a  
2 continuance is necessary to ensure adequate time for effective case preparation, and that  
3 these factors outweigh the best interests of the public and the Defendant in a speedy trial,  
4 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

5 For these reasons, Defendant's motion (Dkt. No. 56) is GRANTED. The Court ORDERS  
6 that the trial in this matter be continued to September 23, 2019 at 9:30 a.m. The parties shall file  
7 any pretrial motions no later than August 9, 2019. It is further ORDERED that the time between  
8 the date of this order and the new trial date is excludable time under the Speedy Trial Act, 18  
9 U.S.C. § 3161 *et seq.*

10 DATED this 5th day of June 2019.

11  
12  
13 

14 John C. Coughenour  
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26